

**APPROVAL OF 2012 WAIVER FOR  
MADISONVILLE COMMUNITY COLLEGE****ACTION  
Agenda Item I-7  
September 21, 2012**

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**Recommendation**

That the KCTCS Board of Regents adopt the attached resolution (Attachment A) exercising its option for a waiver on behalf of Madisonville Community College for the 2012 calendar year under the waiver provision of KRS 164.020, Section 19, as implemented through *Kentucky Administrative Regulation 13 KAR 2:060*.

**Rationale**

- 13 KAR 2:060 states that an institution that exhibits continuous progress in fewer than four of its six equal opportunity objectives is eligible for a waiver. Madisonville Community College is eligible for a waiver that would permit the college to submit new degree programs for approval during calendar year 2012. A waiver request by a college must include a KCTCS Board of Regents approved resolution submitted to the Council on Postsecondary Education (CPE) and a quantitative assessment of the college's efforts to achieve its objectives.
- Madisonville Community College has made progress toward meeting equal opportunity goals set by the CPE and has demonstrated efforts to achieve progress in this regard. Thus, the college is in a position to request a one-year waiver on new degree program proposals.

**Background**

After almost three decades of addressing *de jure* segregation through remedial programmatic attention in its public colleges and universities, the Commonwealth of Kentucky was released in December 2009 by the United States Department of Education Office for Civil Rights (OCR) from the remedial planning process commonly referred to as *The Kentucky Plan for Equal Opportunities*. Following this action by the federal government, the Council on Postsecondary Education (CPE) directed its Committee on Equal Opportunities (CEO), in collaboration with the public institutions, to assure that the significant progress campuses had made in this regard was preserved and enhanced throughout public postsecondary education.

The CPE and CEO worked collaboratively with public education institutions across the Commonwealth to develop the *Kentucky Public Postsecondary Education Diversity Policy and Framework for Institution Diversity Plan Development*. The policy was adopted by the CPE in September 2010. The policy, implemented through Kentucky Administrative Regulations (13 KAR 2:060), requires each public institution to develop and submit a college diversity plan, endorsed or approved by the institution's Board of Regents or Trustees, that outlines strategies to address, at a minimum, the following: (1) student body diversity, (2) student success, (3) workforce diversity, and (4) campus climate.

In September 2011 the KCTCS Board of Regents adopted the *Resolution to Endorse Beyond the Numbers, KCTCS 2010-16 Diversity Action Plan for Inclusion, Engagement, and Equity (IE<sup>2</sup>)*. *Beyond the Numbers* is the framework to guide the students, faculty, and staff in advancing diversity, multiculturalism, inclusion, and engagement throughout KCTCS. *Beyond the Numbers* aligns with both the CPE statewide diversity policy and the *KCTCS 2010-16 Strategic Plan*. It is comprised of a systemwide action plan as well as individual action plans for each of the 16 KCTCS colleges and the System Office.

The *KCTCS 2012 Degree Program Eligibility Report* is an annual assessment developed by the CPE that describes institutional success in implementing strategies to meet equal educational opportunity objectives as codified in state statute (KRS 164.020(19)). KRS 164.020(19) requires CPE to postpone the approval of new academic programs for those institutions which fail to meet equal opportunity goals established by an institution and adopted by the CPE. The regulation *13 KAR 2:060, Degree Program Approval*, outlines equal opportunity goals, provides accountability standards and metrics to determine progress, and describes the requirements for an institution to obtain a waiver.

For 2012, CPE's assessment is based on data from fall 2010, which includes student enrollment data and employment data as of November 2010, to evaluate the level of compliance with the six opportunity objectives for which KCTCS colleges are responsible. KCTCS colleges will focus on expanding access and success of students and the hiring and employment of workers who self-identify as American Indian/Alaskan Native, Black/African-American, Hispanic/Latino, and White. The equal opportunity objectives adopted by CPE for KCTCS are as follows:

**1. Undergraduate Student Enrollment:**

The objective is based on market analysis of the geographical area of the state that contributes 90 percent of entering enrollment at the respective college. The proportion of the headcount enrollment of the college must be equal to the objective, or the college must show progress by enrolling at least one student more than was enrolled the previous year.

**2. Undergraduate First Year to Second Year Student Retention:**

The objective is defined as first-time credential seeking students entering in a summer/fall and returning the subsequent fall semester. The proportion of the undergraduate retention of the college must be equal to the objective, or the college must show progress by retaining at least one student more than was enrolled the previous year.

**3. Undergraduate Student Associate and Credentials Earned:**

The number of headcount of associate degrees and the number of credentials (associate degrees, diplomas, and certificates) awarded by each college. The number of associate degrees and credentials earned must be equal to the objective, or the college must show progress by awarding at least one credential or degree more than granted the previous year.

**4. Employment in Executive, Administrative, and Managerial Positions:**

This objective includes only the full-time executive, administrative, managerial staff of a college. The employment of American Indians/Alaskan Natives, Blacks/African-Americans, and Hispanics/Latinos by the college must be equal to the objective; or the college must show progress by employing at least one full-time staff person more than employed the previous year.

**5. Employment as Faculty:**

This objective includes only the full-time faculty of a college. The employment of American Indians/Alaskan Natives, Blacks/African-Americans, and Hispanics/Latinos by the college must be equal to the objective; or the college must show progress by employing at least one full-time faculty more than employed the previous year.

**6. Employment as Other Professionals (Professional Non-Faculty):**

This objective includes only the full-time professional staff of a college. The employment of American Indians/Alaskan Natives, Blacks/African-Americans, and Hispanics/Latinos by the college must be equal to the objective; or the college must show progress by employing at least one full-time professional staff person more than was employed the previous year.

The *KCTCS Board of Regents Policy on Program Approval* adopted in April 1999 specifies that “KCTCS institutions submitting new program proposals must meet all equal opportunity employment and affirmative action eligibility criteria ... and all applicable Council on Postsecondary Education (CPE) policies and procedures.” There are two ways a college may be eligible to have new degree programs considered for approval under the requirements of KRS 164.020, Section 19, as stated in *Kentucky Administrative Regulation 13 KAR 2:060, Section 4*:

- Automatic Eligibility – continued progress in at least four of the six objectives in the *Kentucky Administrative Regulation 13 KAR 2:060, Section 4*.
- Waiver – continued progress in three or fewer of the six objectives in the KAR. This includes submission of information in support of outstanding efforts that were attempted which have not yet proven successful.

Madisonville Community College is eligible under the waiver alternative. A cover letter from the Madisonville Community College President, Dr. Judith Rhoads, and the college’s waiver request are attached (Attachment B).

